BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

W.P. No. 614/2003

PETITIONER : Vedvyas s/o Kam Singh Verma aged 38 yrs. R/O village Pagbadhi, Tah. Dhamdha Distt. Durg (C.G.)

Vs.

RESPONDENTS : (1) State Govt. of Chhattisgarh Through- Secretory Gram Panchayat & Rural Development Department D.K.Bhavan , Raipur, (C.G.)
(2) Colletor Distt. Durg (C.G.)
(3) Chief Executive Officer Janpad Panchayat Dhamdha DURG (C.G.)

P.R. No. 2237/02
Presented by Shri Arun Shukla
dated 28/11/02

Petition under Article 226/227 of the Constitutional Law of India.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(28)

आदेश पत्रक

W.P. No. 614/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DB: Hon'ble Justice K. H. N. Kuranga, C.J.
& Hon'ble Justice L. C. Bhadoo, J.

15/10/2003

Petitioner by Shri T. K. Tiwari, Advocate.

Respondents No. 1 and 2 by Shri Sunil Sinha, Additional Advocate General.

By this writ petition under Articles 226/227 of the Constitution of India the petitioner has challenged the constitutional validity and the vires of Section 36 (1)(m) of the Chhattisgarh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (for short 'the Adhiniyam) which lays down that no person shall be eligible to be an office-bearer of the Panchayat who has more than two living children one of whom is born on or after 26th day of January, 2001. The challenge to the above clause does not survive in view of the law laid down by the Hon'ble Apex Court in the case of **Javed and others Vs. State of Haryana and others reported in 2003 AIR SCW 3892** and also in view of the order passed by this Court in the case of **Yashwant Kumar Sahu Vs. State of Chhattisgarh and another passed in Writ Petition No. 463 of 2002.** 12.09.03

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(21)

आदेश पत्रक

W.P.No. 614/03

मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Learned counsel for the petitioner submits that a show cause notice dt. 7.6.2002 Annexure P/1 was issued by the S.D.O. Durg thereafter vide order dt. 29.10.2002 Annexure P/3 the petitioner has been removed from the post of Sarpanch. **In view of the above there is no force in the petition of the petitioner, the same is liable to be dismissed and it is dismissed. However the petitioner shall be at liberty to file an appeal before the Director of Panchayat on the factual aspects. The petitioner will be entitled to the benefit of the limitation for the time spent by him in litigating before this Court in this writ proceeding.** **The parties are entitled for certified copy of this order.** **Sd/-** **CHIEF JUSTICE.** **Sd/-** **L.C.BHADOO** **Judge**	